

"be some substantial variation in its purport."

MR. SPEAKER: It certainly appears to me that the question proposed by the Colonial Secretary with regard to the salaries of the light-keepers at Champion Bay, is substantially the same question as was resolved in the negative on the 10th July, and that therefore it ought not to have been offered again, during the current Session.

THE SPEAKER then left the Chair, and the House went into Committee on the Estimates, when

Progress was reported and leave obtained to sit again on Thursday, 18th July.

THIRD READINGS.

The Boat Licensing Bill, 1878, and the Jury Act, 1871, Amendment Bill, 1878, were read a third time and passed.

The House adjourned at half-past twelve o'clock, a.m., on Thursday, 18th July.

LEGISLATIVE COUNCIL,

Thursday, 18th July, 1878.

Late Inspector of Sheep, Champion Bay—Elementary Education Act, 1871, Amendment Bill, 1878: first reading—Bunbury Jetty—Facilities in looking for Strayed Stock—Messages from His Excellency the Governor (Boat Licensing Bill and Discoveries of Guano Northward of Lacedupe Islands)—Boat Licensing Bill, 1878: further considered in committee—Discovery of Guano Deposits: in committee—Ruling of Mr. Speaker on a Point of Order—Estimates: further reconsidered in committee—Loan Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

LATE INSPECTOR OF SHEEP, CHAMPION BAY.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) gave the following

reply to the question asked by Mr. Carey, on the 16th July, with reference to the appointment of Mr. G. F. Eliot, as Inspector of Sheep in the Champion Bay District: Notification of Appointment, 22nd October, 1877; date of departure from Bunbury *per Rob Roy*, 11th November, 1877; reached Champion Bay, 14th November; remained at Champion Bay from 14th November, 1877, to 7th February, 1878; leave of absence commenced 5th February, 1878, owing to ill health; at the present time employed as a temporary clerk in the public offices, at Perth.

ELEMENTARY EDUCATION ACT, 1871, AMENDMENT BILL, 1878.

MR. CAREY, in accordance with notice, moved for leave to introduce a Bill to amend the 26th Section of "The Elementary Education Act, 1871."

THE ATTORNEY GENERAL (Hon. H. H. Hocking), though not caring to vote against the motion, thought it was to be regretted that a Bill likely to lead to so much discussion, and dealing with a question with reference to which there possibly existed a considerable divergence of opinion, had not been introduced at an earlier stage of the Session.

MR. SHENTON did not think the House would be inclined to deal with the education question at present, especially as the section proposed to be amended had received the careful consideration of the Legislature when it was enacted.

The question "That leave be given to introduce the Bill" was negatived, on the voices, whereupon a division was called, with the following result:

Ayes	12
Noes	2

Majority for	...	10
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AYES.	NOES.
Mr. Brown	Mr. Shenton
Mr. S. H. Parker	Mr. Crowther (Teller.)
Mr. Burt	
Mr. Pearce	
Mr. Marmion	
Mr. Glyde	
Mr. S. S. Parker	
Sir T. C. Campbell	
Mr. Harper	
Mr. Brockman	
Mr. Hamersley	
Mr. Carey (Teller.)	

[The Colonial Secretary and the Attorney General were absent when the division took place.]

Motion for leave to introduce the Bill carried.

Bill read a first time, and ordered to be printed.

BUNBURY JETTY.

In reply to MR. CAREY, THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was not aware of the incomplete state of the jetty at Bunbury, but that the information of the hon. member should be communicated to the Director of Public Works, with a view to its repair.

FACILITIES IN LOOKING FOR STRAYED STOCK.

MR. CAREY drew the attention of the Council to the working of the 7th section of 28th Vict., No. 13, and pointed out the hardship which the section was calculated to work in cases where permission to search for stray stock was refused by a Magistrate. His attention had been drawn to the matter by a letter which he had received from a settler at Busselton (Mr. Cross), who, having occasion to enter upon certain lands to search for some strayed stock, applied for permission to do so, but his application was refused. He begged to move the following resolution: "That, in the opinion of this Council, it is desirable that some alteration should be made in the seventh section of the 28th Vic., No. 13, so as to give greater facilities in looking for strayed stock; and that the Government may take such steps as may be deemed necessary, either by amending the said section, or by circular to Resident Magistrates."

MR. BROWN did not think it would ever do to render the granting of a permission compulsory upon the Magistrates, in all cases where application was made. Some discretionary power ought to be given them, and he apprehended that in the case referred to by the hon. member for Vasse, the Magistrate must have had some ground for refusing to grant the permission. At the same time, he (Mr. Brown) would support the resolution before the House, which he thought was a very proper one, for he considered that the provisions of the section referred to should be made applicable to fenced lands.

Resolution put and passed.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

MR. SPEAKER reported the receipt of the following Messages from His Excellency the Governor:—

Message No. 8.

"The Governor has had under his consideration a Bill presented to him to-day for his assent, intituled 'An Act to repeal certain Ordinances now in force respecting the licensing of Boats and Boatmen, and to make other provisions in lieu thereof.'"

"The object of this measure is to establish inspections of boats and the persons concerned in their management, sufficient to secure the public from the risk incurred by the use of unfit and unsafe vessels, or the employment of inefficient persons to manage them; and to guarantee this, the Government provides a machinery of inspection adequate to so important an end. By the 7th Clause of the Bill it is, however, provided, that when a person shall have been in the employ of private persons for a period of three years, such employment shall be taken as evidence of his fitness to be entrusted with the lives and property of the public, and the Government shall not be required to satisfy itself whether or not this is the case."

"His Excellency doubts not that your Honorable Body will perceive that it would be impossible for any Government thus to devolve upon any private person one of its primary duties,—the care of the public safety; and will concur with him in thinking that a modification of the Bill in this respect is necessary."

"It may possibly be urged that if persons have been employed for three years in the management alluded to, they are no doubt competent to the discharge of such arrangements; but if this be the case they will have no difficulty in readily satisfying the duly constituted authority of their competency, and obtaining a certificate accordingly."

"His Excellency therefore takes leave to suggest to your Honorable House the amendment of the Bill, by the omission of the last paragraph of Clause 7."

"Government House, Perth, 18th July, 1878."

Message No. 9.

"The Governor has the honor to lay before your Honorable House an extract from a letter which has just been received from Captain Walcott, commanding the Revenue Cutter 'Gertrude,' reporting his proceedings on a cruise he has lately taken to the Northward of the Lacedpede Islands. It is evidenced from this report that there exist large and very valuable deposits of Guano in this neighborhood, but outside of the Colonial jurisdiction; and there is every probability that similar deposits are to be found within it.

"Under these circumstances the Governor suggests, for the consideration of your Honorable House, whether it would not be well to take advantage of the present favorable season, and make an exploration of the seas and coast of the North and East of the Lacedpedes, with the view of discovering and taking possession, legally and formally, of any land on which such deposits may be found.

"His Excellency believes that your Honorable House will concur with him in thinking that the probability of making discoveries, of such value as those Captain Walcott refers to, is sufficient to justify the Colony in incurring some expense in undertaking the necessary research. Should this suggestion meet your approval, His Excellency will use his best endeavors to carry it out without delay."

"Government House, Perth, 18th July, 1878."

BOAT LICENSING BILL—MESSAGE NO. 8.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, "That the House resolve itself into a Committee of the whole, to consider the amendment recommended by His Excellency the Governor, as conveyed to the Council by message No. 8."

Agreed to.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, That the following address be presented in reply to the message in question: "That this Council having had under its consideration

"Message No. 8, from His Excellency the Governor, suggesting an amendment in a Bill intituled 'An Act to repeal certain Ordinances now in force respecting the Licensing of Boats and Boatmen, and to make other provision in lieu thereof,' which has been passed by this House, and which was presented to His Excellency by Mr. Speaker, beg to reply as follows:—That this Council is willing to adopt His Excellency's suggestion as to the amendment of the seventh section of the said Bill." He thought that in a case like this, the House should act on the "give and take" principle, which regulated the proceedings of Legislatures having two chambers, as in the Imperial Parliament, where the House of Lords often returned Bills with amendments proposed for the consideration of the House of Commons, which proceeding was by no means regarded as an infringement of the privileges of the Commons. Here, the Governor might, to a certain extent, be regarded as the representative of the chamber which, under the bi-cameral system of legislation was known as the Upper House, and he did not suppose that any hon. member would question His Excellency's right to return a Bill to the Council for amendment, so long as the proposed amendment did not relate to matters which might be construed to involve an infringement of the privileges of the House.

MR. S. H. PARKER pointed out that the clause in the Bill objected to by His Excellency had already been twice considered in Committee, and the House had expressed a very decided judgment upon it. When the Bill was re-committed, the Attorney General moved to strike out the proviso referred to in His Excellency's message, but the Committee decided, by a majority, that the proviso should stand part of the clause. It appeared, however, that the verdict of the majority in that House was to stand for nothing as compared with the views of the Governor and of the Government. Moreover, the case was not stated fairly in His Excellency's message. The proviso was as follows: "Provided, nevertheless, that every person who for a period of at least three years prior to the passing of this Act shall have been *bonâ fide* employed as an engine-driver

"shall, if the licensing board are satisfied of his general respectability and "trustworthiness, be entitled as of course "to a license as an engineer." But His Excellency, in submitting the matter for the further consideration of the House, put it thus: "By the seventh section of "the Bill it is, however, provided that "when a person shall have been in the "employ of private persons for a period "of three years, such employment shall "be taken as evidence of his fitness to be "entrusted with the lives and property "of the public, and the Government "shall not be required to satisfy itself "whether or not this is the case." Whereas, in point of fact, the proviso expressly stipulated that no person shall be entitled to a license unless the Licensing Board appointed by the Government are "satisfied of his general respectability and trustworthiness." But, apart altogether from this, it was clearly laid down as a rule of Parliamentary practice, and Mr. Speaker had so ruled only the previous day, that in Committee on a Bill, an amendment will not be allowed in contravention of a previous decision of the Committee, unless there be some substantial variation in its purport. He did not intend to oppose the adoption of the proposed address in reply to His Excellency's message, so far as to go to a division; but it did appear to him that the wishes of the majority of that House were not to be regarded as having any weight at all in this matter.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) did not think the hon. member was warranted in making such an assertion as that, for no Administration had ever expressed a greater desire and a greater readiness to meet the wishes of the House in every respect than the present Government.

MR. BROWN believed that under the present Constitution Act the Governor was empowered to return Bills to the House for amendment, and this being the case it was difficult to reconcile that right with the Point of Order decided the other day, that no Question or Bill which is substantially the same as one on which the judgment of the House has already been expressed, shall be offered again in the current Session. It appeared to him that they were placed in this

dilemma—they must either proceed to re-consider a question on which the Council had already passed judgment, or have the Bill thrown out altogether. In view of the benefits which the Bill would confer upon the public, he thought it would be better for the House to agree to the amendment recommended by His Excellency, rather than that the whole Bill should be vetoed, and lost.

MR. SPEAKER: There can be no doubt as to the Governor's prerogative to return a Bill to the House for amendment, and to suggest any amendments which he may regard as advisable; but, of course it is for the House to deal with such amendments as it deems best.

Resolution agreed to, and address adopted.

(Clause 7 reverted to, and amended by striking out all the words after the word "same" in the eighth line).

Bill as amended, reported.

MESSAGE No. 9.—DISCOVERY OF GUANO DEPOSITS.

The House then went into Committee to consider Message No. 9, relating to the discovery of Guano deposits Northward of the Lacepede Islands.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the subject referred to in the Message was unquestionably one of great importance, and one that called for prompt action. From what hon. members had gleaned from Captain Walcott's report [portions of which had been read to the House], it would be seen that our American cousins had been before us in taking possession of some of the Guano islands, and he thought the House would agree with him that no time should be lost on the part of this Colony to institute a search for other islands which were believed to exist in that locality, the revenue from which might prove a very acceptable addition to our present sources of revenue. The only islands now known to be within the jurisdiction of the Colony were the Lacepedes and Browse Islands. The latter island was leased at a very low rate, and yielded but a very small revenue; but the Lacepede Islands already proved a fruitful source of income to the country, and, next year, the Government trusted to realise not less than £15,000

from the sale of the deposits on those islands. The Guano islands recently discovered by Captain Walcott would, it was estimated, yield from 750,000 to a million tons of guano, which at 15s. per ton, royalty, would give a revenue of £700,000, and he could scarcely say what a godsend it would be to this Colony to have such an amount at its disposal. He thought they might rest assured that all parties would then be satisfied, and the requirements of every district supplied. The settlers of the Eastern districts could have their railway, and the settlers of the North their extension line; nor would the Southern districts be lost sight of—even the Vasse need not then despair of its jetty. The resolution which he would now ask the Committee to affirm was as follows: "That this House having considered His Excellency the Governor's Message No. 9, together with the report of Captain Walcott, of the Revenue Cutter 'Gertrude,' therein referred to, on the recent discovery of Guano Islands in that part of the Indian Ocean bordering on our coasts, is of opinion that it is advisable that steps should be at once taken to institute a search in those seas for other Guano Islands which are believed to exist, and further to take possession of such as may be beyond the jurisdiction of Western Australia as it may be considered expedient to annex to the British Crown, and survey the same; and with this object this House authorises His Excellency to spend such sum as may be necessary to carry out its views."

MR. HARPER thought there would be no difference of opinion as to the advisability of adopting the steps contemplated in the resolution. There were an immense number of islands, shoals, and reefs marked on that part of the coast, which were very dangerous of approach—a circumstance which had operated in a great measure against their not having been explored before now, situated as they were out of the high road of general trade. To his mind, the great point to be impressed on the Government was that no time whatever should be lost in carrying out the proposed steps to institute a search, for a great deal depended upon prompt and decided action in the matter.

MR. S. H. PARKER asked if the proposed search was intended to extend to islands outside our own boundary?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) thought that was a matter that must be left for His Excellency to decide, as to how far he would be justified in extending the exploration. His Excellency necessarily had instructions from the Imperial Government relating to these matters, and information which neither he (the Colonial Secretary) nor the House was in possession of.

MR. S. H. PARKER said it appeared to him to be utter absurdity to adopt the resolution before the Committee, unless they confined it to exploration within our own territorial waters, for the House had no jurisdiction, and the Government had no jurisdiction, beyond our own boundaries.

MR. SHENTON thought His Excellency might send a telegram round to the Commodore of the Australian Station, asking him to send a gunboat to that part of the coast proposed to be explored, pending the organisation and despatch of the expedition which the local Government proposed to fit out. Of course, other Governments had as much right as our own to annex these islands, and if we wanted to be first in the field the sooner we took steps in the matter the better, and no time should be lost. The question was one of great importance to this Colony,—so much so, indeed, that should the Admiralty make it a condition that the Colony should bear the expense of the service of a gunboat there would be no objection on the part of the House to the cost. Possibly, the services of the Admiralty surveyors, now engaged on our coast service, might be available to accompany the proposed expedition.

MR. BROWN thought, from the wording of the resolution, it was apparent that the search intended to be instituted was in waters outside our territory, but he thought it would be highly desirable that the search should also extend to islands within our own jurisdiction. As to those outside our boundary, he thought that was a very delicate subject to deal with, and one requiring the exercise of very careful discretion, otherwise we might involve ourselves in very serious trouble and complication.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) reminded the House that His Excellency was free to act altogether independently of the Council in this matter, except that the Council should place the necessary funds at his disposal for organising and carrying out the proposed expedition. If the House assented to that, His Excellency would be in this position as regards extending the search to islands outside our territory—he would, so far as that House was concerned, be authorised merely to spend the funds placed at his disposal. If he wished to extend the search beyond the territorial jurisdiction of this Colony, that would be a matter between himself and the Imperial Government.

MR. MARMION considered it very desirable indeed that the proposed expedition should be fitted out without delay; at the same time he would like to have some idea as to the probable cost.

MR. BURT thought the House was inclined to go rather too far in this matter. The question was one involving considerations of international law, and what had our local Legislature to do with such a question. This Colony was not a "nation," but simply an off-shoot of Great Britain, and as yet glad to seek shelter under the wing of the mother country. Before any money was voted for the purpose of conducting explorations, and prosecuting a search for guano islands, outside our territory, he would like to know to whom those islands would belong when discovered. Possibly the Imperial Government might stick to them itself, if they were of any value, and he did not see any fun in this Colony voting money for the exploration of islands which might afterwards be claimed by Great Britain. As to a man-of-war being despatched to the locality indicated in Captain Walcott's report, it appeared that the American flag already waved over some of the islands, and it was known that American citizens were licensed by their Government to annex territory, but we had no such power, and it would look ridiculous on our part to annex islands to the British Crown. He, for one, was not inclined to raise his voice in favor of having a man-of-war brought here to take possession in this off-hand manner of islands outside our jurisdic-

tion. He thought this was a matter deserving very serious consideration, before they gave any such power to the local Government.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): I cannot help thinking that if this House authorises an expenditure of money, and the Governor fits out a ship, for the purpose of exploring that part of the Indian Ocean bordering on our coast, and we discover islands with a million tons of guano upon them, what I say is this—hoist the British flag on those islands and try to stick to them. At any rate, what is believed is this—not only that there are valuable guano islands which may be little perhaps beyond our jurisdiction, but several more within our jurisdiction, which it would be well worth our while to discover and explore. If we do take possession of any such islands, discovered at our own cost, I do not apprehend we need fear that the Imperial Government would take them away from us.

MR. SHENTON thought it highly desirable that as thorough a search as possible should be made, so that the Government might know the real value of the islands. The hon. member also expressed a hope that, in the event of fresh deposits of guano being discovered, the Government would take care to dispose of it on terms more advantageous to the Colony than the terms upon which Browse Island was leased.

MR. BURT said he was not opposed to the expenditure of money for the exploration of islands within our territory; his objection was merely to the expenditure of the public funds in waters beyond our territorial jurisdiction, and when it was not at all clear to his mind that the islands would be ours after all.

MR. CAREY asked in what way the Government proposed to carry out the work of exploration?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said His Excellency had only received Captain Walcott's report yesterday afternoon, and, so far, not much had been done in the way of organising the expedition. It was, however, proposed in the first place to charter a vessel to convey one of the Admiralty Surveyors—either Capt. Archdeacon or Lieut. Tooker—to the scene of operations; and as these gentlemen were not

ignorant of questions affecting international law, the House might depend that nothing would be done rashly or without due consideration. He therefore thought hon. members might safely commit the Council to the resolution which was now before it. With reference to communicating with the Commodore, he might say that His Excellency some time ago wrote to ask that a gunboat might be sent here on a visit; at that time, however, the Commodore was not able to spare one, but he promised His Excellency that as soon as he could do so he would.

The resolution was then adopted.

RULING OF MR. SPEAKER ON A POINT OF ORDER.

MR. SPEAKER referred to his ruling of yesterday, relative to the Point of Order raised by the hon. member for Vasse (Mr. Carey). He had then ruled that the question proposed to be submitted to the Committee on the Estimates (having regard to the proposed increase of salary to the lightkeepers at Champion Bay) appeared to him substantially the same question as had previously been offered and negatived, and that therefore it ought not to be brought forward again in the current Session. He was now of opinion that as the House had not adopted any Report of the Committee relative to the vote in question, it was competent for the House to again refer the matter for consideration.

ESTIMATES.

FURTHER CONSIDERED IN COMMITTEE.

Miscellaneous Services, Item Mechanics' Institutes and Working Men's Associations, £360:

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, That the sum "£360" be struck out, and "£425" inserted in lieu thereof. He moved the increase not that the money when voted need necessarily be expended, but these institutions were spreading throughout the Colony, and the House having already recognised the principle of granting them aid from public funds, the Government could not very well refuse an application made on behalf of

any new institute, having equal claims upon the Treasury, such as Bushmen's Homes, whose title to assistance had already been advocated in the House.

Motion agreed to.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, That "Improvement of the Registration System, in the Registrar General's Office, £350," be inserted between the items "Firewood for Public Offices" and "Incidental Expenses." Possibly the work—which had already received the approval of the House—would entail a larger expenditure than the sum named, and he would have no objection to its being increased. A new and more complete index was a work of recognised necessity.

MR. BURT opposed the vote, on the ground that by the time the new index was completed it would be perfectly useless, and would not be required, for the old Registry Office would by that time be closed. He felt so strong on the point that he would divide the House on the subject, though he did not anticipate that he would have a majority with him.

Question—That the item be inserted, as moved—put.

Ayes	10
Noes	4
Majority for			6

AYES.		NOES.	
The Hon. H. H. Hocking		Mr. Hamersley	
Mr. Brown		Mr. Marmion	
Mr. Carey		Mr. Pearse	
Mr. Crowther		Mr. Burt (Teller.)	
Mr. Glyde			
Mr. Hardey			
Sir L. S. Leake			
Mr. S. H. Parker			
Mr. Shenton			
The Hon. R. T. Goldsworthy (Teller.)			

The question was therefore carried.

Harbor and Light Department, Item "Champion Bay, two light-keepers at £75 each, £150," reverted to:

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, That "at £75 each, £150," be struck out, and that "one at £100, and one at £80,—£180," be inserted in lieu thereof.

Agreed to.

Question—That Harbor and Light Department, Item £3,801, stand part of the Estimates—put and passed.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved the following

additional items: "Public Library, Fremantle, £100," and "Fencing for Public Park, Fremantle, £100."

Motions agreed to.

Miscellaneous Services, Item £9,505,—put and passed.

Estimates reported.

LOAN BILL, 1878.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved the second reading of a Bill for raising the sum of £200,000 by loan for the construction of certain public works. The Bill, as its title implied, rendered it lawful for the Governor to raise, by the issue of debentures, any sum or sums not exceeding in the whole the amount already named, to be expended on the public works enumerated in the schedule, and which had already received the approval of the House. It was proposed that the money so raised, and the interest accruing thereon, should be charged upon, and be payable out of the general revenue, and rank next after the sums already borrowed. Every debenture issued under the provisions of the Bill was to bear interest at a rate not exceeding five per cent.; and it was proposed that these debentures should be issued in London through the intervention of the Crown Agents. Some hon. members might possibly take exception to the loan being floated through the Crown Agents in London, but he apprehended that such objection, if it existed, must be based upon an erroneous impression as to the charges made by the Crown Agents in connection with transactions which they conducted for the Colony. In order to remove that impression, and to show how favorable to the Colony were the terms upon which the Crown Agents conducted these transactions, he would read to the House some correspondence which had taken place a short time ago upon this very subject between the Crown Agents and the Colonial Office:

"Downing Street, London,
25th August, 1876.

* * * * *

"In lieu of five per cent., the Crown Agents propose, with Lord Carnarvon's approval, to charge the Government of Western Australia, from the date of the

last payment to this department by that Colony, at the same rate as was arranged some time past in the case of the small West India Colonies, viz., Two per cent. on miscellaneous orders, and, in consideration of the more costly character of railway materials and rolling stock, they would propose a further reduction of one per cent. on the cost of such materials.

I have, etc.,

W. C. SARGEANT.

"The Hon. R. C. Meade, Colonial Office."

Lord Carnarvon, in transmitting these terms to Governor Robinson, expressed his approval of the proposed reduction of the rate of commission, and the reduced rate was that now in force. As regards loans, the commission charged was only one-half per cent., with an additional one-fourth per cent. for brokerage, whereas Banks generally charged one per cent. Hon. members would see from this that the commission charged by the Crown Agents was not so high as that charged by the Banks, and it was a matter of fact that a higher rate than the commission and brokerage charged by the Crown Agents was charged by the National Bank in connection with the floating of our previous loan. The thirteenth clause of the Bill provided for the application of the sinking fund, the provision proposed to be made in this respect being different to that made in the case of the loans formerly raised. Here it was proposed that, instead of providing for a sinking fund equal to two per cent. on the amount of the debentures issued, only one per cent. per annum be provided—a course which those skilled in questions of finance considered preferable to that previously adopted. Another very desirable provision—which had been lost sight of in former Loan Bills—was that made in the fourteenth clause which enacted that all debentures shall, at the option of the Crown Agents, be redeemed either by purchase in the open market, or by annual drawings. The rest of the Bill dealt with the mode, and the time and place at which the drawing shall take place. With these few explanatory remarks relative to the main features of the Bill, he now begged to move that it be read a second time.

Motion agreed to, *sub silentio*.

IN COMMITTEE.

Clause 1—"Short title:"

Agreed to.

Clause 2—"Power to borrow £200,000 on debentures:"

MR. BROWN thought this was the time when the House should arrive at some decision as to the expediency or otherwise of including in this one Bill the whole of the works proposed to be undertaken by means of a loan. The assent of the Imperial Government had already been given to the construction of the first section of the Eastern Railway, which was one of the works included in the schedule to the Bill; and we might fairly assume that the Home authorities would not object to the raising of the sum necessary for the completion of the Northern Railway, which constituted another item in the schedule. But there were other works provided for in the Bill which had not received the sanction of the Imperial Government, or been in any way countenanced by the Secretary of State; on the contrary, so far as regarded the £50,000 for roads, there was certainly nothing in the Secretary of State's despatch to lead the House to suppose that he would view that proposal favorably. Some of the other items, such as £10,000 for a steam tug, had never yet received the approval of the Imperial authorities, and he was not aware there was any ground for believing that no opposition would be made to the raising of a loan for such a purpose. If there was any probability, or even a possibility, of the fact of these two items being included in the Bill jeopardising its fate, he thought provision should be made for them in a separate Bill. He supposed, however, that the Government had reason to believe that there would be no opposition to any of the items, and that they were prepared to take upon themselves all the responsibility in this matter, and that they did so with their eyes open, feeling, he supposed, that the whole Bill was safe, and that it was in no way imperilled by the incorporation therein of the items he had referred to. He should be very glad indeed, before proceeding any further, to hear, what he had not yet heard from the Government, that in framing the Bill in its present form they were satisfied it would receive the assent of the Imperial

authorities, as there was every reason to believe it would if it only embodied the necessary provision for the construction of the Fremantle and Guildford Railway, and the completion of the Northern Line.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said the point raised by the hon. member had received the fullest consideration at the hands of the Government. His Excellency and the Colonial Secretary and himself had had several consultations on the subject, and although he (the Attorney General) did not pretend to presume to give an opinion as to whether the Bill would be favorably received at the Colonial Office, at the same time he might say that the Governor felt himself fully justified in taking the step which he had done, and was of opinion that it would not at all jeopardise the Bill at home, and, for this reason, His Excellency was prepared to assent to the Bill as soon as it was passed. He had no misgiving as to the fate of the measure, which was so framed that even should the Home Government object to some of the items it would not preclude the sum necessary for carrying out the other works being raised. The Committee would observe that the clause now under consideration rendered it lawful for the Governor to raise "any sum or sums not exceeding £200,000." This it was proposed to raise through the intervention of the Crown Agents' office, which was a Government department, and strictly under the control of the Secretary of State as regards instructions for carrying out the provisions of this Bill. Of course, if the Secretary of State objected to any of the items embraced in the schedule, it would be competent for him to forbid the raising of the necessary sum for providing for those items, while at the same time offering no opposition to the borrowing of the requisite amount for carrying out the other works. They could not alter the Bill at the Colonial Office, but they could step in and say to the Governor, "Although you have taken upon yourself to propose to raise £200,000 we cannot assent to your borrowing more than is necessary for the works already approved by this office." His Excellency had no reason to suppose that any such opposition would be made, but, in the event that it were made, the Governor was by no means apprehensive

that it would jeopardise the fate of the Bill. It would be very inconvenient to have two Loan Bills, and, moreover, it looked much handsomer having one Bill for £200,000 than two or three for smaller amounts.

MR. BROWN: In the event of the Home Government not assenting to the two last items in the schedule—£50,000 for roads, and £10,000 for “public works including cost of steam tug”—would it still be competent for the Crown Agents, without further delay, to proceed with the raising of the sum necessary for railway purposes?

THE ATTORNEY GENERAL (Hon. H. H. Hocking): If the hon. gentleman will look at the clause before the Committee—the second clause—he will see that it is proposed to empower the borrowing, not of £200,000 (neither more nor less), but of any sum or sums not exceeding in the whole that amount.

MR. S. H. PARKER asked for some information with reference to the item “For completion of the Northern Railway, £17,000,” which was included in the schedule. Was it intended to provide additional rolling stock, or what? The House was in possession of no information on the subject.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was not in a position, just at that moment, to afford the information sought by the hon. member.

MR. BROWN said he was not aware that the House had ever affirmed any resolution expressive of the desirability or the necessity of making provision by loan for some of the items embraced in the schedule, and surely it was not too much to expect that some explanation should be offered to the House with regard to these items.

MR. CAREY thought it would have been a far better course to adopt if the Government had brought in a loan Bill providing for the railway alone, which would have met with the hearty and unhesitating support of every member of the House. Instead of that, the Bill provided for an item—he alluded to the £50,000 for roads—with regard to which the Secretary of State had distinctly stated that he could not sanction it, unless special provision were made by means of tolls, or some other contribu-

tions from the district specially benefited, to meet the charge; and a majority of the House had expressed themselves opposed to any such arrangement. They had been told over and over again that His Excellency was prepared to assent to the Bill without delay, so that the proposed railway might be commenced at once; but here was a Bill for £200,000, dealing with other projects besides the railway, and it appeared it would have to be referred home, after all, and probably eight or twelve months must elapse before the work was commenced. As to the £17,000 for the completion of the Northern Railway, it had not even been shown to the House that the money was required, and it appeared to him the Government regarded hon. members as mere voting machines.

MR. HAMERSLEY said the Secretary of State had certainly assented to the Colony borrowing money for the construction of a railway from Fremantle to Guildford, but at the same time he had expressed a decided opinion adverse to the road scheme proposed by His Excellency, and it did appear to him (Mr. Hamersley) that in passing the Bill in its present shape the House would be flying in the very teeth of the Secretary of State. He certainly had been much surprised to see the Bill brought in in its present form, and he would have much preferred to see a separate Bill to provide for the railway loan.

Clause 2 was then ordered to stand part of the Bill.

Clauses 3 and 4 were agreed to, *sub silentio*.

Clause 5—“The debentures shall be issued in London, on behalf of the Government of Western Australia, by the Crown Agents for the Colonies, and shall be signed by them on that behalf.”

MR. CROWTHER would much sooner see the loan raised through the local Banks than by the intervention of the Crown Agents. The Colony was indebted to one Bank for a good turn, when it first appeared in the loan market, and he thought the claims of those who had come to our aid in our past difficulties should not be overlooked. There were now three banking establishments in the Colony, any of whom was prepared to negotiate the loan on as favorable terms

as anyone could do the business, not excepting even the Crown Agents; for it must not be forgotten that the charges connected with the floating of the loan in the London market would not be the only charges which would have to be met, and he had no hesitation in saying that by the time they got the money out from London to this Colony, the charges for commission, brokerage, exchange, and other expenses, would not be less than from two to three per cent., a great deal of which would be obviated if the money were obtained through the local Banks.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) pointed out that if the money were raised in the Colony, a great deal of it would have to be sent out of the Colony for the purchase of the railway material in England, and there would be the same expenses to be incurred as if the money were originally raised in London and sent out here.

MR. S. H. PARKER thought it would be much more economical, and better in every way, that the loan should be raised through the local Banks; but he knew that, if the House insisted on that being done, the result would be,—they would get no loan at all; and it was only on that ground that he refrained from moving that the clause now before the Committee should be struck out.

The clause was then put and passed.

Clauses 6 to 10 inclusive,—agreed to *sub silentio*.

Clause 11.—“The Crown Agents shall, “subject to the approval of Her Majesty’s “Principal Secretary of State for the Colonies for the time being, place and keep “the moneys so remitted to them, or “so much thereof as may not be required “for immediate payment, on deposit at “interest in their names, with some Bank “or Banks in London or Westminster, “and shall hold all such moneys and the “accumulations thereon in trust, to apply “them, in the first place, in payment of “the interest for the current half year “upon the debentures for the time being “outstanding, and, in the next place, in “the formation of a sinking fund.”

MR. SHENTON suggested that that portion of the loan which would have to be spent in the Colony should be lodged, on fixed deposit, with the Banks here until required, as the interest given by

the local Banks was double what it was in England. The Colony would gain a great deal of money if this were done.

Clause agreed to.

Clauses 12 to 21 inclusive—agreed to. Progress reported, and leave obtained to sit again.

The House adjourned at five o’clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 19th July, 1878.

Treaty of Peace: Address to His Excellency the Governor—System of Classification of Clerks in the Public Service—Agricultural Rights, relative to cutting timber on Crown Lands—Extension of Privileges of Pastoral Leaseholders to Agriculturists—Vote of thanks accorded to Mr. C. D. Price—Increase of gratuity to Mr. C. D. Price—Destruction of Native Dogs—Loan Bill, 1878: further considered in committee—Harbor Improvements: Report of Sir John Coode; further considered in committee—Game Act, 1874, Amendment Bill, 1878: second reading; in committee—Message No. 7 (Land Titles Department)—Railways Bill, 1878: in committee—Northern Districts Special Revenue Act, 1873, Amendment Bill, 1878: in committee—Elementary Education Act, 1871, Amendment Bill, 1878: second reading—High School Act, 1876, Amendment Bill, 1878: second reading—Police Ordinance, 1861, Amendment Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at 7 o’clock, p.m.

PRAYERS.

TREATY OF PEACE—ADDRESS TO HIS EXCELLENCY THE GOVERNOR.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said hon. members must have read with much satisfaction the telegram received in the Colony that day, announcing that a peace treaty had been signed at Berlin, and that a European war which at one time appeared imminent had, by the prudent and sagacious conduct of the Government of Great Britain and their representatives at the Conference, been averted. In view of this feeling of satisfaction which, in common with every member of the House, must be felt in the breast of every colonist, he begged to move, as an